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ABSTRACT

Between October 1999 and May 2000, Congress considered the reauthorization of the Elementary and Secondary Education Act (ESEA) of 1965. This report examines the proposals for changes in the act and underlying political factors. Research methods consisted of interviews and gathering of documents. Staff of both parties and both houses, at committee and subcommittee level, were interviewed. The legislation was affected by changes in ideology, institutional instability among interest groups, and the high degree to which members of Congress and their staffs were closed to outside interests. Due to changes in membership, partisanship increased. Republicans wanted block grants and voucher-like choice. Democrats wanted to preserve a program that already targeted the most needy students. Increased partisanship led to policy formation with outside access limited to a few coalitions and groups. In the past, practitioners' groups and a wide variety of interest groups were consulted. However, conservative groups such as the EXPECT coalition, with a suburban membership base, often gained the most access to Congress. At Congressional hearings the groups invited were largely governors and groups making the case for states' prerogatives. Two approved provisions with the greatest chance to alter the structure of the Title I program were related to portability (let the money follow the child) and flexibility (let some federal requirements be waived), both Republican preferences. The basic structures of the act that were set in place in 1994 remained, but the support for Title I and for categorical programs, in general, has diminished. A related concern is that university-based research in education was largely ignored. (Contains 24 references.) (RKJ/AUTHOR)

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Continuity or Radical Departure? A Policy Analysis of the ESEA Reauthorization Process in the 106th Congress

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Introduction

Between October 1999 and May 2000, the 106th Congress engaged in the process of reauthorization of Title I of the Elementary and Secondary Education Act of 1965. While the House of Representatives passed a Title I bill, the Senate debated their ESEA proposal for four days in May before the debate became so politically polarized that it was set aside and never brought to a floor vote. (See Appendix A for a synopsis of what occurred when in the legislative process.) In this paper, I address two central questions about this process: first, what were the substantive changes proposed to the Title I statute in the various House and Senate bills? Second, what were the political factors in Congress underlying these proposed changes?

Many of the proposals for choice and block-granting in Title I result from the heightened partisanship in Congress, which has important consequences for the future of the program. I describe three elements of a changed politics of enactment of federal education legislation. These are ideology; institutional instability among interest groups, administrators, and Congressional staff; and the high degree to which members of Congress and their staff were closed to outside interests.

These findings and conclusions are based on my dissertation, a case study of the politics of Congressional action on the ESEA during this time period.[1] I undertook this study because of a lack of policy analysis about federal aid to education in recent years. Most previous histories considered the political factors that enabled President Johnson

[1] The dissertation is titled, "The Failure of the 106th United States Congress to Reauthorize the Elementary and Secondary Education Act of 1965: An Analysis of Politics, Ideology, and Institutions" (Elizabeth DeBray, Harvard Graduate School of Education, 2001).

and the Congress to reach compromise and break a stalemate of enacting general federal aid to education (i.e., Bendiner, 1964; Tiedt, 1966; Jeffrey, 1978; Bibby and Davidson, 1972; Eidenberg and Morey, 1969). The case is designed to reexamine the Congressional politics of federal aid to education when the conditions in Congress have changed dramatically since 1965.

There were several other reasons why these legislative events were significant and merited both documentation and analysis. This was the first reauthorization since 1965 when both houses of Congress were dominated by Republicans, and a Democratic President was in the White House. While federal education legislation was an overwhelmingly bipartisan effort for over thirty years, there were signs of growing polarization and division in Congress that the reauthorization brought to the fore. Many substantive policy decisions were also at stake. This reauthorization process took place in a political climate where Republican staff and members had little ideological commitment to federal programs, and it was unclear whether they would attempt an overhaul of the basic structures of Title I.

My methods consisted of interviews and document-gathering in Congressional offices between October 1999 and March 2000. I conducted interviews with Congressional staff of both parties, at both the subcommittee and committee level in the House and Senate. In addition, I conducted interviews with staff of the United States Department of Education and representatives of interest and think tanks involved in engaged in developing proposals for the ESEA legislation. I collected proposed legislation, policy statements, members' floor statements, and selected memoranda of Congressional aides

The two passed provisions that have the greatest potential to alter the governance structure of the Title I program were state pilot programs for "portability" and Straight A's. The commonality between these two sets of proposed policy changes was that they were developed and supported by conservative think tanks and interest groups critical of the "track record" of federal categorical education programs.

Portability, also referred to as a "child-centered" approach, was originally advocated by Diane Ravitch, a former federal education official (Ravitch, 1999). Arguing that federal programs such as Title I have created bureaucracies where dollars accrue to officials, not to children, she proposed letting the dollars follow the child to the school or service provider of choice. Ravitch's proposal was picked up by the Thomas B. Fordham Foundation, Republican members on the Hill began to incorporate it into legislative proposals. The first to do this was Rep. Thomas Petri (R-WI) who offered an amendment in the House Committee on Education and the Workforce that would have enabled parents to transfer their child to the school of their choice, whether public or private. When this amendment failed in the committee, he scaled it back to a ten-state pilot program, but again it failed, because key moderate Republicans on the committee opposed it along with all of the Democrats.

However, in the Senate, "portability" was more legislatively successful. Senator Judd Gregg (R-NH) offered an amendment creating a pilot program for 10 states and 20 districts to experiment with a "child-centered" program. If parents of disadvantaged students in those states or districts opted to participate, they could take their child out of a Title I school and use their allocation as a voucher to purchase instructional services at a another public school, or at another provider, such as Sylvan Learning Centers. While

This paper has two major sections. In the first, I summarize the major changes that were proposed to the Title I legislation during the 106th Congress. The second section describes a changed politics of enactment in federal education policy, that is, changed institutional norms and relationships, including the involvement of new interest groups.

I. What Kinds of Changes Were Proposed?

In reading the provisions below, it is important to understand that the House and Senate considered the Title I legislation differently. The House split up the ESEA and debated the different titles separately. The Senate considered an omnibus ESEA, which affected the politics and the outcomes. (Unless otherwise noted, the provisions are changes to the 1994 statute.)

- Standards and assessments – No major changes to the 1994 statute except for the following two changes. First, HR2 added science to the mandatory state assessments in Title I by 2005-06. Schools would be accountable for adequate yearly progress in science as well as math and reading. Second, the House bill requires Title I schools to assess Limited English Proficient students who have attended school in the U.S. for three consecutive years in reading and language arts in the English language (may negotiate for a possible fourth year).
- Targeting and funding in Title I. There were not dramatic changes made in either the House or the Senate. The Senate Health, Education, Labor and Pensions committee voted to increase the appropriation to $15 billion.

Senator Joseph Lieberman's compromise proposal that was a failed amendment on the floor in May would have increased funding for Title I by 50%, to $12 million.

- Schoolwide Program eligibility -- While the House committee debated the schoolwide eligibility threshold between 25% and 50%, what ultimately passed on the floor was 40%. The Senate bill also lowered the threshold to 40%.
- Within-district targeting -- In 1994, the law had been changed so that Local Education Agencies (LEA's) had to rank all schools by poverty level and give funding priority to any school with greater than 75% poverty, without regard to grade span. The House of Representatives voted to eliminate this provision; districts must still rank, but are again permitted to give priority to elementary schools. Democrats opposed this, wanting to make sure that high-poverty secondary schools would receive priority for funding.
- Public school choice provisions were strengthened in the House bill. Under current law, parents have the right to transfer out of a school in corrective action status, or a school that has failed to make adequate yearly progress according to the state's definition for three consecutive years. But Democrats and Republicans supported that the initial designation would be "school improvement." From the time that a state first identifies a school as needing improvement, the school has eighteen months to let parents know of the designation, and of their right to transfer their children to another public or public charter school. The House bill also contains a provision allowing for

Title I funds to be used to help a student transfer out of a school designated as "unsafe" by the state or LEA.

- Bilingual education – In HR2, Title I schools must obtain informed parental consent to place students in programs in which English is not the primary language of instruction. Parents have the right to immediately remove their child from a program for limited English proficient children.
- Teacher quality – In HR2, all teachers' aides must have at least two years of study at an institution of higher education, obtained an associate's or higher degree, or met a rigorous standard of quality established at the local level, which includes an assessment of math, reading, and writing. HR2 also freezes the number of paraprofessionals at their current levels, with limited exceptions.
- Accountability/Performance Reporting -- Congressman George Miller (D-CA) successfully negotiated to have measures put in the House Title I bill requiring states and LEA's to disaggregate the data of all Title I schools by race, ethnicity, economic disadvantage, disability, limited English proficiency status, and gender. The bill increases the amount of information gathered and makes it more accessible to the general public.
- Interventions in Failing Schools – Led by Senators Jeff Bingaman (D-NM) and Edward Kennedy (D-MA), Senate Health, Education Labor and Pensions Committee Democrats drafted new language about interventions in schools in corrective action status. Bingaman proposed that LEA's could make a governance intervention in a school in school improvement status *before* the

three years elapsed that would place it in corrective action status. Bingaman's amendment specified what these governance changes were: reconstitution of all or part of the staff, withholding Title I funds, changing the school into a charter school, creation of a smaller learning community, adoption of a research-based program, or closing the school.

His amendment further specified that once a school entered corrective action status, the state and LEA must put in place intensive professional development *as well as* adopting one of the governance changes from the list above. The amendment was defeated along party lines in the Senate committee. The Republicans included the Bingaman language in their base bill, but did not mandate that intervention must include both the professional development and a change in governance structure. Instead, GOP legislators said, the state or LEA must take one corrective action on the Bingaman list (of which professional staff development was one). It is notable that both political parties were concerned with measures for interventions in failing schools during the reauthorization process. For the first time, legislative proposals across the political spectrum specified what kinds of governance changes must be made in failing schools, in what time frame, and what levels of government should be responsible.

- Research-Based Programs – There are no new mechanisms in the law that mandate adoption of research-based programs. The House bill, however, calls for school improvement plans based on what "scientific research" says are

effective programs. HR2 also authorizes the comprehensive school reform grants to be included as part of the statutory grants in Title I. Schools, through their school districts, would compete to receive state grants. Such programs would be for the whole school and would employ "innovative strategies and proven methods based on scientifically based research." Neither the House nor the Senate allocated any new money for research.

- Rewards for Successful Schools – In the House, an optional provision was included in Title I that allows states to use 30% of any increase in Title I funds to reward successful schools and teachers and reserves 50% of this money for high-poverty areas.

It is also worth noting what kinds of proposed changes to Title I were politically unsuccessful. Compacts for parental involvement, set-asides of 5% of funds for professional development, choice provisions allowing dollars to flow to private schools, and requirements that states annually report the number and names of all low-performing schools to the Department are all measures that were proposed and not passed. The Clinton administration's call for districts ending "social promotion" was unpopular on the Hill; no member of Congress proposed it throughout the entire process.

Pilot Programs to Promote Decentralization: Portability and the Academic Achievement for All Act ("Straight A's")

Gregg's amendment did not allow for taking the dollars to private schools, many Democratic staff said the proposal was, in fact, a "foot in the door" to privatization. As Nina Rees, an education policy analyst at the Heritage Foundation said:

> Both [T. and D., aides to Gregg] have been very smart. I know [T.] played a big role at one point in designing these things called TAG grants which are reading grants that go to parents who can then redeem them at a public or private provider. And so she, I think, believes that coming up with loopholes or ways to go around the system, by attaching the money still on the back of the child, opens the door for you then to come back later and argue for sending it also to private schools.
>
> And who's to say? In Minnesota, they have a tax credit and deduction, that goes for, I think the tax credit only goes for education-related expenses, but what's happened is a lot of private schools are sort of dividing up their services. So this is the amount of money you spent on books, this is the amount you spent on the uniforms, this is the amount you spent on this and that. So parents can still use the credit while they're sending their children to a private school by sort of claiming, well, this is how much money went for a uniform and books. You see what I'm saying? You're encouraging a private school to come up with creative ways of still benefiting from it.
>
> I don't know how tight this law would be to discourage this kind of stuff from happening, but my experience tells me that because Washington is so far, you could have a situation where you could conceivably also use Title I money in a private setting, if say, the remedial education teacher was…I'm speculating here. But the way this it was written, you could not take this to a private school. (Interview with Nina Rees, Heritage Foundation, 10/20/00)

Democratic aides also questioned what Gregg's program could accomplish instructionally with an allocation of $600 per student, a practical policy problem that Gregg's legislation did not address. Moreover, he had not factored in that not all eligible students nationwide are currently served in Title I; to reach all of them with a voucher, the appropriation would necessarily have to increase. In fact, it would have to triple, according to the Congressional Research Service's estimated figure of $24 billion a year

needed to serve all eligible children (Educational Opportunities Act, 2000, p. 209). That Gregg and other HELP committee supporters did not consider these kinds of question showed how political concerns far outweighed technical and programmatic ones.

Democrats' other criticism of portability is that Title I has always deliberately targeted dollars on the neediest schools and districts, particularly after 1994, and portability threatens that structure. As the minority view of the Senate Committee report expressed this concern:

> Title I grants have been historically concentrated on higher poverty schools, and they should continue to be targeted this way if they are going to address the greatest needs. If Title I funds are dispersed among public schools regardless of need, or to numerous private outside providers, the program will not be able to function as intended. The solution to ensure that all eligible children are served by Title I is not an unworkable portability scheme, but for Congress to fully fund Title I. (Educational Opportunities Act, 2000, p. 209)

"Straight A's": The Academic Achievement for All Act

The origins of the Academic Achievement for All, or Straight A's measure, were with the governors and members of education groups that demanded that states have more flexibility in waiving federal requirements. While the Education Flexibility Partnerships Act (Ed-Flex), signed into law by Clinton in April 1999, was different in its actual provisions from Straight A's, the measure gave Republicans momentum in demanding more for governors. As an aide to Senator Bill Frist explains, the issue of flexibility for states was one the Republicans used to build political capital on education: "…it became a big Republican thing, that we want to increase flexibility and cut through red tape…we waved it as our education banner for a while." (Interview with Meredith Medley, aide to Sen. Bill Frist, 3/30/00)

In both the House and Senate, Straight A's was a pilot program (in the House, for 10 states and 20 LEA's, and in the Senate, for 15 states). States and LEA's would enter into five-year "performance agreements" with the Secretary of Education; the state would specify how it would improve student achievement during that time. States would then be free to use money for any elementary and secondary educational purpose permitted by the law of that state, with the governor and state legislature choosing how to spend the funds. If the state does not take Title I into its performance agreement, then it is still enforced as a separate program. If the state does include Title I, it must verify that it has standards, assessments, and an accountability system in place – though the law does not specify that all students must be assessed. Straight A's, in other words, allows states the option of not administering Title I as a separate categorical program.

Much of the support for Straight A's came from external organizations and think tanks, and from some individual governors. Noting that President Clinton had just asked states to turn around low-performing schools or shut them down, Engler continued:

> The Governors accept the President's challenge. This morning, we ask you to help us. Specifically, here is how you could help. Block-grant funds to the States and hold us accountable. We have all talked about that in one way or another this morning. Let us consolidate the sixty programs of the ESEA, shrink the bureaucracy, cut the waste, invest more in children, and put the responsibility squarely on the shoulders of America's Governors…
>
> And let me suggest that simply block-granting dollars to the local schools, bypassing the states, is not an effective strategy. In fact, I do not think it is a strategy at all. If that were to be the decision, I would even go so far as to suggest that if Washington wants to do that, then get the States right out of the middle and have every school district in the country report directly to a federal bureaucrat. ("Education Reform: Governors' Views." Hearing of the Committee on Health, Education, Labor and Pensions, United States Senate, Feb. 23, 1999, p. 27.)

Chester Finn, of Thomas B. Fordham Foundation, agreed. He argued that the 1960's "paradigm" of federal programs was outmoded:

> …Washington assumed that change is wrought by a combination of dollars (carrots) and regulations (sticks), that change is always and properly dictated from on high (the higher the level of government making the decision, the wiser and more progressive it was assumed to be), and that education experts are the best decisionmakers. Today, this paradigm is obsolete and inappropriate. Most of the real dynamism in education reform is bubbling up from energized States and localities – not from SEA's and LEAs – and from the private secotr and grassroots, populist initiatives such as charter schools.
>
> There is an education reform earthquake shaking the land. It includes a dozen new forms of schooling in addition to traditional "public" and "private" institutions, and almost as many policy strategies for helping families choose among these forms. Yet Washington seems to have retreated into an earthquake shelter." (Finn, Congressional Digest, September 1999, p. 217)

In place of the categorical system, Finn proposed a paradigm: "Resources would be entrusted to families and to general purpose governments (such as States and cities) rather than school systems. Market-style mechanism rather than expert-driven `central planning' would be embraced – and given maximum freedom and minimum constraint" (1999, p. 217). Thus, Fordham and Heritage successfully promoted the idea that it was time to dissolve categorical programs. The similarity between Finn's language and the House committee report on Straight A's is striking:

> It is the committee's view that the time is now to take bold reforms and encourage reform-minded States to continue their successes. Federal funds should be focused on helping children and their schools, not on preserving separate funding streams and maintaining separate categorical Federal programs. (House Committee report on Straight A's, 10/15/99, p. 24.)

House Democrats were the first to point out a philosophical inconsistency in the Republicans' position, however. A measure that gives complete discretion to governors was inconsistent with their embrace of "local control." Rep. Patsy Mink (D-HI), a Committee Democrat, expressed bewilderment that the Committee had spent four days in mark-up, trying to improve accountability in Title I, only to encounter Straight A's.

> For the life of me, I cannot understand why we spent four days debating and marking-up an ESEA bill if we are going to pass a bill which will do away with all of these federal requirements!....Waiving targeting requirements for the disadvantaged is not "academic achievement for all." It is academic achievement for whomever the governors deem worthy. It is mind boggling that the Majority preaches accountability for federal tax dollars, yet they are willing to hand over billions of dollars to the states with hardly any accountability. (Patsy Mink, statement in House Committee on Education and the Workforce, October 13, 1999)

What Democrats like Mink questioned was whether the Straight A's legislation contained any true accountability for academic achievement, since the Secretary of Education verifying the state's progress after five years did not seem much of a guarantee of performance.

The Senate distinguished between "performance partnerships" (a version drafted by the National Governors Association that kept Title I targeting between LEA's and high-poverty schools intact), and Straight A's. Jeffords, the moderate HELP committee chair, opposed Straight A's, and ensured that performance partnerships passed in the Senate committee and was included in the ESEA bill that went to the floor (as was Straight A's).

After the block-granting pilot program had passed in the House, there was still optimism that the Senate would behave more moderately because of Jeffords' leadership. The lines were not drawn in the sand in the Senate for several more months. It was during this time that Senator Joseph Lieberman (D-CT) put forward a set of policy ideas that attempted to find a "Third Way" between Democrats' programs and Republicans' block grants.

The Lieberman "Third Way"

Lieberman unveiled his "Public Education Reinvestment, Reinvention, and Responsibility (3 R's)" plan in November 1999. The bill was based on a proposal that had been written by Andrew Rotherham of the Progressive Policy Institute, an arm of the Democratic Leadership Council. In introducing it, Lieberman stated that Congress's way of doing education policy represented "a false choice between a Democratic agenda of more spending and a Republican agenda of more block grants and vouchers" (Associated Press, "Democrats Unveil Education Plan", 11/16/99). Among other measures, the plan would allow the Department of Education to "get tougher on low-performing schools" (ibid). Lieberman's proposal also addressed the problem of resources for high-poverty schools, calling for increase in funding in Title I by 50%, up to $12 billion, while targeting far more of the money to high-poverty schools.

The plan reflected New Democrats' usual looking for a "third way," which in this case meant cutting swath between Republican calls for administrative flexibility and Democrats' calls for targeting. The main problem to be addressed in Title I, as Lieberman defined it, was concentration of the program funds to the neediest students:

> The Federal Government spends nearly $8 billion each year on the Title I program for disadvantaged students, which is supposed to compensate for local funding inequities within states and help level the playing field for low-income children. But the truth is that this well-intentioned program is not nearly as focused on serving poor communities as it is perceived to be, leaving many poor children without any aid or hope whatsoever.
>
> We as New Democrats believe that situation has to change if we ever hope to make real the promise of equal opportunity for millions of students in urban and rural high-poverty districts. We simply must do a better job of driving Title I, along with other federal education aid, down to those schools and those children who need it most. New money alone won't fix all that ails these schools, but it is a critical piece of the puzzle. ("Three R's: The Case for Targeting," Office of Sen. Joseph Lieberman, 2000.)

The plan would achieve this targeting goal by first increasing the authorization by $4 billion a year, to $12 billion. The new dollars would be tightly targeted so that states and districts with the highest concentrations of poor children would receive a significant increase in their Title I funding. There would be a gradual phase-out of the "hold-harmless" provisions. Lieberman knew that it was politically difficult to get members to vote for any immediate phase-out of hold-harmless provisions, so he began with changing funding allocations within the state at first.

The other three major provisions would affect the many categorical programs in ESEA. The programs would be consolidated into funding streams. These were Teacher Quality; Fostering English Proficiency; and High Performance Initiatives. The performance initiatives would become their own title, consolidating about twenty ESEA programs, including school safety, literacy technology, and summer and after-school programs. The overall funding would be increased by more than $200 million, which would be distributed based on a targeted formula based 50 percent on poverty and 50 percent on population. The requirements for states targeting those funds to LEA's would be tightened even further, using a formula based 60 percent on poverty and 40 percent on population. Through "performance partnerships," states would set their own goals for each title and be required to demonstrate annual progress toward meeting them (essentially what Title I state plans specify now), and high-poverty areas would receive "performance-based grants."

Lieberman incorporated selected ideas of other Democrats, such as Bingaman's accountability provisions for schools in corrective action. However, Lieberman's amendment was defeated in the Senate 13-84 on May 9; not a single Republican Senator

voted in favor of it. Democrats by and large did not support it because of its consolidation of categorical programs, which to many of them was too close to a block-grant. In the 107th Congress, however, there are indications that Democrats will agree to such measures.

II. A Changed Politics of Enactment

The case of the legislative process with Title I (and in the Senate, the entire ESEA) last year shows the vulnerability of the program due to the rise of partisanship n the Congress. One major effect of this heightened partisanship was that policy formation took place inside the Congress, with outside access limited to a few coalitions and groups. This reflects a fundamental change in the institutional norms of how education policy is developed.

There are three major points about the new politics of enactment.

The first finding is that ideology powerfully shaped policy formation. There are a variety of explanations for increased partisanship in the Congress. One is related to party demographics: the South has begun to send Republicans to Congress as the party ideologies have changed. As Davidson and Oleszek write (2000, pp. 190-91): "The Democratic party has become more liberal and the Republican party more conservative that in the past....the South is now in the GOP camp, so the once-prominent conservative coalition of Republicans and southern Democrats no longer is an important voting bloc in today's Congress." There has also been a disappearance of the moderate "Rockefeller Republicans." Democrats in 1996 made gains in the House in the East, Midwest, and West, and held their gains in the Senate in those regions. So the Republican gains in the

South led to greater party conservatism and homogeneity, because elected Republicans from the South are almost always conservative (Dodd and Oppenheimer, 1997, p. 396). Many Southern Democrats retired who had been in the moderate wing of their party, only to be replaced by conservative Republicans. While in 1961, there was not a single southern Republican senator, there are fourteen in 2000, which represents 64% of the senators from the formerly Old Democratic south. (Sinclair, 2000, p. 63).

Dodd and Oppenhemier conclude that Democrats in both the House and Senate after 1996 are also now more homogeneous, but tend more toward the liberal side (Dodd and Oppenheimer, 1997, p. 396-397).

In this context, in both the House and the Senate, Republicans asserted that federal aid has been a total failure. Yet at the same time, the party used this reauthorization as a "window" (see Kingdon, 1995) to try to carve out a role in education aside from abolishing it; they took it as an opportunity to devise new positions and use them as a wedge in an election year. Republican aides openly acknowledged that they needed to "get back into the game" of educational policy and be viewed as reformers. For instance, an aide to Senator Sam Brownback of Kansas said:

> ...Republicans have started to really kind of cut their teeth on [education issues] and I would say that the Democrats who have a much larger constituency on this issue have-- I would characterize it have been kind of slow to respond to some of those things and continue down kind of the track that they've been going down. And that's where the rub is: all of the sudden you have an aggressive, conservative education agenda as opposed to just a "let's-shut-down-the-Department of Education" agenda. And that's I think where kind of the political rift is. (Interview with Glenn Chambers, Aide to Sen. Brownback, 3/30/00)

Getting provisions like choice and block-grants into the ESEA became politically important to the Republican caucus. The strength of coalitions advancing block-granting

was both within the Congress (a working group of four Senators) and outside it (for instance, the Expect Coalition, comprised of sixty conservative think-tanks and "family groups"). The momentum of the idea of block-granting was underestimated by Democrats throughout the process.

House and Senate committee politics reflected these ideological splits, both between parties and among Republicans. The Senate Committee aligned with the Republican party caucus over the resistance of the moderate chair, James Jeffords (R-VT), while the Democratic members are liberal. This is an unusual scenario, as the committee has usually has worked in a bipartisan way. The Republican membership of the House Education and Workforce committee was not ideologically uniform, as majority leader Armey (who served on the committee when his party was in the minority) saw its membership as too moderate and loaded it with new and more conservative members. The result is an overall lack of committee members' commitment to programs.

The political center in Congress, which in past reauthorizations supported aid to disadvantaged populations, has shifted. Though the "center" is not at the far right, it is at least located at a place that is increasingly skeptical about federal programs. The Lieberman compromise proposal, which advanced program consolidation and increased funding while retaining the categorical structure of Title I, was a challenge to the "old guard" Democrats' position of preserving programs. Thus, centrist, or "New" Democrats took the opportunity to carve out a set of policy positions of their own, using the Senate floor debate on the bill to begin to explore whether they could negotiate a way to break the logjam.

The presidential election, in which both candidates presented education as a major issue, was a reason for increased partisanship, especially in the spring of 2000 in the Senate. Republican nominee George Bush's proposals to give Title I monies to parents of children in failing schools for vouchers to attend either public or private schools was a strong factor in Senator Gregg's proposal of "portability." Republicans were also reluctant to give the Clinton/Gore administration an education bill to sign in an election year, as they would claim it as a Democratic achievement.

The second finding is that the legislative process for this bill was more closed than ever before to outside interests. The National Governors Association and conservative think-tanks had the most access to committee staff, and that is new.

Throughout the 1990's, governors have become more active players in education policy, and the National Governors Association played an unprecedented role in this case. In the Senate process, its positions on provisions in various amendments carried more weight than did those of most Democratic committee members. Interestingly, the NGA came to an internal agreement to keep Title I intact, which in turn angered the conservative groups. As further evidence of divisions among Senate committee Republicans, the conservative groups that got the most access to staff had to bypass Jeffords' staff. As Patricia Sullivan, then the Director of Education Legislation at the NGA explained:

> What [Jeffords] did, to the dismay of people on the left and on the right, was come to NGA, and say, "We like your policy; but it's not detailed enough."...It was very interesting, and also a little bit awkward. Because instead of going through the regular process -- they did go through the regular process, where they had endless staff meetings, trying to come up with something. [But] what happened, ultimately, was Jeffords took our stuff. We had a series of meetings again, internally, we put much more meat on the proposal, and then we sent that

> to the Hill. We had a series of meetings with all the staff where I had to explain what it all meant, and why we wanted the things we did.
> Q. So only Jeffords' staff at first? Or over time, with more?
> A. Over time, it became more. But we had staff on both sides…on the Democratic side they were just furious, they were so angry. Because for example, I would see drafts of the bills before the Democratic staff would. And I was much more involved in drafting than they were. And the governors' staff, we were up there all the time, we were trying to help get it.
>
> And on the Republican side they were angry, you know, Gregg, and some of the other conservatives were angry because they didn't feel our bill went far enough. (Interview with Patricia Sullivan, 10/26/00).

Specifically, Gregg and others wanted to have the categorical formulae lifted so the states would get legal autonomy to spend the funds. But the NGA wanted the Title I formula between districts and schools left intact. This compromise is what became known as "performance partnerships," a middle ground of which Jeffords approved, but about which conservative Republicans and think-tanks were not enthusiastic.

Performance partnerships required that a state had to negotiate an agreement with the Secretary of Education about the funding flexibility. If a state used Title I money, it had to keep it targeted on those schools receiving funds under current law. The Democratic governors would not give that up; in particular, Jim Hunt, Democratic Governor of North Carolina and the vice chair of the Human Resources committee, voiced his philosophical opposition to taking money away from poor kids. In an election year, no governor wanted to be seen as doing that, either. Sullivan also reminded them throughout the internal negotiation that Title I was not only a tiny program, but also flexible, "almost a block grant," she said (Interview with Patricia Sullivan, 10/26/00). The Republican governors, for their part, secured flexibility for Clinton's many specific education initiatives, such as hiring teachers and class size reduction.

The coalition for Title I has narrowed to a handful of groups. The prior norm of soliciting the recommendations of practitioners' groups was almost non-existent (with the exception of teacher unions). This weakening of the old model of consultation with a variety of interest groups was due to their association with the "status quo" (a designation that actors across the political spectrum used pejoratively). Groups that gained access were either overtly conservative or managed to avoid association with this "status quo."

Groups that often gained the most access to Congressional staff, members of the Expect coalition (described below), are those whose membership base is suburban. Philosophically opposed to federal programs, they were successful in their lobbying Chairman Goodling in the House for "Straight A's." For the first time since 1965, a coalition of groups representing suburban parents had more influence in shaping the ESEA than groups representing practitioners or educators in high-poverty schools. The center of the active mobilizers was the Heritage Foundation, a think-tank that was beginning to carve out its positions on the federal role in education. Heritage had historically not sought to come up with reform ideas, but to abolish it. In 1994, for instance, after the Republicans won control of Congress, it wrote a guide for new members, calling for them to repeal "many of the harmful education programs of the last 30 years," one of which was the Individuals with Disabilities Education Act. The same new members' guide called for the abolition of the Department of Education within five years (Joetta Sack, *Education Week*, **November 10, 1999).** Now, the organization advanced reforms of privatization in the ESEA.

The founding of the Expect ("Excellence for Parents, Children, and Teachers") Coalition was an example of conservative groups deciding to take a proactive role in

developing educational policy positions, rather than just reactive. Charlene Haar at the Education Policy Institute was one of the founders. The Heritage Foundation's representative explains that a major reason these groups formed an active coalition is that they were tired of merely going on the defensive when a Democratic initiative had upset them:

> You know, we have all these groups that sort of marginally weigh in on education issues, they band together whenever there's a threat of national testing, especially Home-School Legal Defense Association…whenever something really bad is going to happen, they stop things from happening. Why not get everyone together, for them to work as a team, the same way that the education establishment works in unison when they want to push through something. (Interview with Nina Rees, Heritage Foundation, 10/29/00)

The third and related finding is that there was a lack of institutional stability in the formation of legislation. Far from reflecting a stable model of interaction among interest groups, agencies, and legislators working to hammer out legislation (i.e. the "iron triangle"), the case shows a process that was far more fragmented, with the three spheres seldom intersecting.

The Department found itself in a strategic bind as the reauthorization process began. While the agency's leaders sought a bill that would preserve the basic structure of the program, strengthen accountability mechanisms, and add what Deputy Secretary Mike Smith called "opportunity-to-learn" provisions, the Republican leadership on the Hill was not very interested in the Clinton administration's priorities. Smith and his internal team, as they developed the Educational Excellence for All Children (EEAC) Act, were caught between the Clinton administration's ambitious accountability proposals on one hand, and the demands for particular programs of the traditional interest groups accustomed to "weighing in" about what they wanted on the other.

The Department of Education invested its energies internally to develop a proposal based on recent research in order to justify keeping the 1994 reforms intact. Smith emphasized to Department staff that the proposal be defensible from a research angle. His primary charge to his internal team in the Spring of 1998 was to look at evaluations and research. With Title I in particular, staff relied on the National Academy of Sciences report, "Preventing Reading Difficulties in Young Children." Based on this research, the Department recommended earlier identification of children with reading difficulties and enhancing the quality of professional staff who taught reading.

Susan Wilhelm of the Office of Elementary and Secondary Education, part of the internal team developing recommendations on Title I, said:

> Our directions from Mike Smith were to look at the research and to say, what did the research show. And we basically weren't to put anything on the table that we couldn't go back and find the research finding for....I think that what we were responding to was, what the research told us about what was next step in standards-based reform, and that research told us, when we looked at the cutting-edge states and the states farthest along, it told us the really important thing was getting standards implemented in the classroom, that that was the key to making it all work...I think that the overall philosophy was more a research-based philosophy...if you can't come back and rest on the substance of your proposal, you get caught. (Interview with Susan Wilhelm, 10/16/00)

Yet the Department lacked an overall strategy for promoting its proposal. Instead, at the Congressional hearings, the groups invited to testify were largely governors and groups making the case for states' prerogatives. In the House, Chairman Goodling and his staff approached conservative foundations to bring their block-granting proposals to committee staff, and to continue to meet with them monthly, while filtering out the traditional interest groups.

In this process, there was very little that resembled a stable interaction of institutional interests, which is often termed a "subgovernment" (Ripley and Franklin, 1991). Legislators were cut off from interest groups; the Department of Education was cut off from the Hill; and groups were not sure what direction to take from the Clinton administration, with its multiple initiatives that were not focused on ESEA. While Clinton led the comprehensive education reforms in 1993-94, his repeated advancement of specific programs from 1996 on diminished some of the power of traditional supporters of Title I. Groups in the traditional coalition for ESEA were distracted, and in partial competition with one another, by having to respond to isolated presidential initiatives like class size reduction and after-school tutoring. It was not entirely clear to these groups how these new Clinton initiatives fit with the earlier comprehensive reforms.

The lack of institutional stability among administrators, Congressional staff, and interest groups has critical implications for the future of how federal education policy is made – which interests gain access, which are frozen out, and whether research can enter the process when ideological interests are driving the agenda.

Conclusion: Continuity or Radical Departure?

These findings show that the politics and the substance of Title I are interconnected. These findings about the changed political base for Title I raise important questions about the leverage it can have when the politics surrounding it are so volatile. It is the political process of developing legislation that is the radical departure from past practice.

The political center in Congress has shifted to a place that is far less sympathetic to the claims of continuing to keep Title I in place as it is currently structured. The overwhelming bipartisan support for the EdFlex program is evidence of this shift. Republicans discuss "innovation," and eliminating what they call excessive federal burdens on localities. The capacity of committee staff to draft federal legislation is limited and most do not have an ideological commitment to federal programs. The new center in Congress has changed since the time the ESEA was enacted, and that political center is in a place where there is a climate of suspicion toward education programs. The embedded theory of federalism in these measures is that the federal government should play a weak or non-directive role. This is a departure from the theory of federalism by which intergovermental levels are interdependent and work together for goals of educational improvement – what Bailey and Mosher characterized as the "marble cake," not "layer cake" model of federalism (Bailey and Mosher, 1968, p.2).

The coalition for Title I has diminished, and there is not much of an active constituency left. The policy positions of the National Governors Association have become very influential the Congressional process of developing federal education legislation.

The lessons from this process are important for research community for several reasons. First, the way that research and knowledge were used were highly contingent on political ideology. That is, "researchers" in conservative think tanks had more access to Congressional staff than did the work of university-based researchers. Second, while the basic structures set in place in the 1994 law, standards, assessments and accountability stayed in place, there were many changes that would potentially affect the

implementation schoolwide programs. Both block-granting via Straight A's and choice or portability provisions would dramatically change the degree to which schoolwide programs might be administered. These proposals have remained on the Republican policy agenda into the 107th Congress. The climate of suspicion toward categorical programs also has the potential to dramatically alter the terms of which students are served in the program, and whether there will be targeting to high-poverty schools if governors are given greater control of the administration of the funds. Lieberman's proposal to increase Title I funding by 50% and improve most failing schools and targeting, however, keeps the issue of resources on the table. In the 107th Congress, there appears to be widespread support for the elements of the Lieberman proposal: consolidating multiple ESEA programs into five "streams," with an emphasis on states' setting goals through "performance partnerships." His ideas to increase funding and targeting in Title I are popular with Democrats, and may be used to counter President Bush's proposals to take funds from failing schools and allow parents to use them for vouchers for private schools.

The political lessons of this period have important lessons for the research community. An overall lesson is that the majority of Title I researchers continue to conduct evaluations of the program with certain "given" assumptions: that localities, states, and federal policies are interdependent, and each level plays a role in the implementation process. The Republicans' proposals for block-grants appear to discard the ideas of shared governance or desirability of any federal leverage, giving the governors unprecedented power to spend funds and dissolve categorical programs. The

measures proposed this time represent an entirely different paradigm that in many ways shatters these traditional assumptions about federalism.

Another lesson is how wide the gap is between what Title I researchers are prepared to do -- beginning to answer how to "scale up" the program's successes, and to consider what counts as effective research-based programs -- and what federal policymakers are ready to do. It is sobering to note that such questions of "effective programs," or any plans to foster improved research and development in Title I, were almost entirely ignored in this process. The ideological debates overshadowed all such concerns, as political attention was far more focused on whether to block-grant and promote choice proposals. At a time when research could shine new light on what works in various settings, from schoolwide programs to policy interventions, and where the funds may make the greatest instructional difference in the needs of the most economically disadvantaged, the political process is least attuned to considering that evidence.

The political landscape has changed dramatically since the last legislative accounts of the ESEA were written. A Republican-dominated House and Senate are prepared to make dramatic changes to the structure of the ESEA, and the kinds of interest groups and organizations they consult with are not the usual education interest groups accustomed to having a voice in the process. The degree of political polarization in Congress changes the entire scenario for federal education policy, as the bipartisanship that kept Title I intact for thirty-five years is eroding. It is these conditions of policymaking that mark what occurred in the 106th Congress as a radical departure.

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Appendix A: Synopsis of Legislative Events of the Case

The House of Representatives and the Senate considered the legislation in two different forms. House Education and the Workforce chairman William F. Goodling (R-

PA), hoping to pass as much legislation as possible before he retired from Congress at the end of the 106th, broke the ESEA up into smaller pieces. One of those pieces was Title I, which traveled through the House as HR2, passed in October 1999. In the House negotiations between parties, Congressman George Miller (D-CA), the ranking minority member, and Goodling compromised a fair amount on provisions such as how to hold states accountable for reporting student academic progress. Moderate Democrats also joined Republicans in supporting strengthened provisions for students to transfer out of failing Title I schools in order to attend a better one, while moderate Republicans thwarted efforts by members of their own party to turn Title I into a per-pupil entitlement that could be taken to either a public or private school. The single largest point of contention in the House was the passage of the "Straight A's" bill, a pilot program which would allow fifteen states to enter into a five-year agreement with the Secretary of Education, specifying performance goals, but allowing governors freedom as to how to spend program funds. The funds of categorical programs could be mingled with other state programs. The legislative precursor to Straight A's was the Education Flexibility Partnerships Program (EdFlex), passed by the 106th Congress and signed into law by President Clinton in April 1999. The provisions and significance of EdFlex are explained in further detail at the end of this chapter.

The Senate Health, Education, Labor and Pensions Committee chairman, James Jeffords (R-VT), chose a different tack, which was to reauthorize the ESEA as a single package. The Committee put together its proposal between November 1999 and March 2000. The Committee was politically polarized to a high degree. The gulf between Jeffords, a very moderate Republican, and the other members of his committee, made the majority's negotiations difficult, as all of the conservative members tried to find a way around the chair in order to get their proposals and amendments into the base bill. Jeffords ultimately yielded to pressure from the party caucus, and the Committee bill, S2, included pilot programs not only for a Straight A's program, but also a pilot program allowing states and districts to convert Title I into a portable entitlement. President Clinton immediately threatened a veto should S2 pass the Senate.

Concurrent with these events was the Presidential election between George W. Bush and Democratic Vice President Al Gore. The candidates' proposals for education, which had become key in the campaign to both, contributed to the unwillingness of Senators to compromise or to consider passage of programs that had been Clinton's education initiatives.

The full Senate debated S2, the Committee bill, between May 3 and 9, 2000. Senator Joseph Lieberman (D-CT), a moderate, "New Democrat," sponsored a compromise proposal designed to chart a third course for the ESEA between Republican proposals for block-granting and Democrats' calls for greater resources for existing categorical programs. This amendment was defeated on May 9. When Democrats refused to vote to bring closure to debate and bring S2 to a vote, the Senate leadership, under pressure to get a trade agreement with China, abandoned the bill for the rest of the session.